

### Remarks

Examiner previously issued a Restriction Requirement. Applicants provisionally elected **Group 19** (claims 13-15), drawn to a nucleic acid having the sequence of **SEQ ID NO:1**, with traverse. Examiner did not find the arguments persuasive.

Claims 1-30 are pending. Claims 13-15 are under examination, claims 1-12 and 16-30 having been withdrawn as drawn to a non-elected invention.

According to the present Office Action, claims 13-15 are allowable if amended.

The Specification has been objected to because of alleged discrepancies between figure legend text and the figures. Corrected figures are supplied herewith. No new subject matter has been introduced by way of this amendment.

Independent claims 13 and 15 have been amended herein. No new matter has been introduced by way of this amendment.

### Response to Objection to Specification

Examiner has objected to the Specification, stating that the legends of Figures 1 and 2 do not correspond with the content of the drawing. Applicants thank Examiner for finding the clerical error. To that end, Applicants point out that the Figures 1 and 2 were mislabeled, and that the Figure Legends correspond with the descriptions of the data in the Examples.

The figure legend for Figure 1 in the Brief Description of the Drawings, as well as references to Figure 1 in the specification all refer to sequences, while the figure legend for Figure 2 (2A and 2B) in the Brief Description of the Drawings, and references to Figure 2 in the specification, all refer to a schematic. For example, the figure legends in the "Brief Description of the Drawings" section recite:

Fig. 1. The mRNA sequence and deduced protein sequence for each of the TAG genes coding for the RLSNRLLLR (SEQ ID NO: 12) peptide. The three potential nonstandard initiation codons that are in frame with the open reading frame coding the RLSNRLLLR (SEQ ID NO: 12) peptide are underlined. The shaded nucleotide sequence indicates the 3' prime nucleotide of the 5' exon and the 5' prime nucleotide of the 3' exon at each exon/exon splice site.

Fig. 2A & 2B. A schematic drawing of the genomic structure of the TAG gene exons is shown in Fig. 2A. Numbering is according to that obtained in Map Viewer on the NCBI website. Fig. 2B is a schematic drawing of the exon organization of the TAG mRNA.

It is readily apparent that when comparing the labels (figure numbers) on the Figures as submitted with the legends in the Brief Description of the Drawings, that the Figures were mislabeled. That is, Figure 1 as labeled and submitted was really Figure 2, and Figure 2 as labeled and submitted was really Figure 1. To that end, replacement/substitute drawings with the correct figure number labels are being submitted herewith to replace the original Figures 1 and 2 (2A and 2B).

Applicants submit that the replacement Figures as submitted render the objection moot.

#### **Response to Examiner's Conclusion**

At page 6 of the Office Action, Examiner states that claims 13-15 are allowable, if they were to be amended to delete the non-elected sequences SEQ ID NOs:2-5.

Although not necessarily with the Reasoning of the Examiner regarding the decision not to include related sequences (SEQ ID NOs:2-5) with SEQ ID NO:1, in order to expedite prosecution of the application, Applicants have amended independent claim 13 by deleting SEQ ID NOs:2-5 and amending the Markush phrase to instead only recite SEQ ID NO:1. The same was done for independent claim 15. Claim 14 depends from claim 13 and did not specifically recite the SEQ ID NOs, so it was not amended.


Applicants submit that the amendments place claims 13-15 in condition for allowance and request favorable action and that a Notice of Allowance be issued.

**Conclusion**

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (434) 243-6103.

Respectfully submitted,

March 10, 2008

  
Rodney L. Sparks, In-House Patent Counsel  
University of Virginia Patent Foundation  
250 West Main Street, Suite 300  
Charlottesville, VA 22902  
(434) 243-6103  
rodney@uvapf.org